

Union Calendar No. 427

104TH CONGRESS
2D Session

S. 1507

[Report No. 104-789]

AN ACT

To provide for the extension of the Parole Commission to oversee cases of prisoners sentenced under prior law, to reduce the size of the Parole Commission, and for other purposes.

SEPTEMBER 16, 1996

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

DECEMBER 27 (legislative day, DECEMBER 22), 1995

Referred to the Committee on the Judiciary

SEPTEMBER 16, 1996

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

AN ACT

To provide for the extension of the Parole Commission to
oversee cases of prisoners sentenced under prior law,
to reduce the size of the Parole Commission, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Parole Commission
5 Phaseout Act of 1995”.

1 **SEC. 2. EXTENSION OF PAROLE COMMISSION.**

2 (a) ~~IN GENERAL.~~—For purposes of section 235(b)(1)
 3 of the Sentencing Reform Act of 1984 (98 Stat. 2032)
 4 as it related to chapter 311 of title 18, United States
 5 Code, and the Parole Commission, each reference in such
 6 section to “ten years” or “ten-year period” shall be
 7 deemed to be a reference to “fifteen years” or “fifteen-
 8 year period”, respectively.

9 (b) ~~POWERS AND DUTIES OF PAROLE COMMISS-~~
 10 ~~SION.~~—Notwithstanding section 4203 of title 18, United
 11 States Code, the United States Parole Commission may
 12 perform its functions with any quorum of Commissioners,
 13 or Commissioner, as the Commission may prescribe by
 14 regulation.

15 **SEC. 3. REPEAL.**

16 Section 235(b)(2) of the Sentencing Reform Act of
 17 1984 (98 Stat. 2032) is repealed.

18 **SECTION 1. SHORT TITLE.**

19 *This Act may be cited as the “Parole Commission*
 20 *Phaseout Act of 1996”.*

21 **SEC. 2. EXTENSION OF PAROLE COMMISSION.**

22 (a) *IN GENERAL.*—For purposes of section 235(b) of
 23 the Sentencing Reform Act of 1984 (98 Stat. 2032) as it
 24 related to chapter 311 of title 18, United States Code, and
 25 the Parole Commission, each reference in such section to
 26 “ten years” or “ten-year period” shall be deemed to be a

1 reference to “fifteen years” or “fifteen-year period”, respec-
 2 tively.

3 (b) *POWERS AND DUTIES OF PAROLE COMMISSION.*—
 4 Notwithstanding section 4203 of title 18, United States
 5 Code, the United States Parole Commission may perform
 6 its functions with any quorum of Commissioners, or Com-
 7 missioner, as the Commission may prescribe by regulation.

8 (c) *REDUCTION IN SIZE.*—

9 (1) *Effective December 31, 1999, the total num-*
 10 *ber of Commissioners of the United States Parole*
 11 *Commission shall not be greater than 2. To the extent*
 12 *necessary to achieve this reduction, the Commissioner*
 13 *or Commissioners least senior in service shall cease to*
 14 *hold office.*

15 (2) *Effective December 31, 2001, the United*
 16 *States Parole Commission shall consist only of that*
 17 *Commissioner who is the Chairman of the Commis-*
 18 *sion.*

19 (3) *Effective when the Commission consists of*
 20 *only one Commissioner—*

21 (A) *that Commissioner (or in the Commis-*
 22 *sioner’s absence, the Attorney General) may dele-*
 23 *gate to one or more hearing examiners the pow-*
 24 *ers set forth in paragraphs (1) through (4) of sec-*
 25 *tion 4203(b) of title 18, United States Code; and*

1 (B) decisions made pursuant to such delega-
 2 tion shall take effect when made, but shall be
 3 subject to review and modification by the Com-
 4 missioner.

5 **SEC. 3. REPORTS BY THE ATTORNEY GENERAL.**

6 (a) *IN GENERAL.*—Beginning in the year 1998, the At-
 7 torney General shall report to the Congress not later than
 8 May 1 of each year through the year 2002 on the status
 9 of the United States Parole Commission. Unless the Attor-
 10 ney General, in such report, certifies that the continuation
 11 of the Commission is the most effective and cost-efficient
 12 manner for carrying out the Commission's functions, the
 13 Attorney General shall include in such report an alternative
 14 plan for a transfer of the Commission's functions to another
 15 entity.

16 (b) *TRANSFER WITHIN THE DEPARTMENT OF JUS-*
 17 *TICE.*—

18 (1) *EFFECT OF PLAN.*—If the Attorney General
 19 includes such a plan in the report, and that plan pro-
 20 vides for the transfer of the Commission's functions
 21 and powers to another entity within the Department
 22 of Justice, such plan shall take effect according to its
 23 terms on November 1 of that year in which the report
 24 is made, unless Congress by law provides otherwise.
 25 In the event such plan takes effect, all laws pertaining

(2) *CONDITIONAL REPEAL.—Effective on the date such plan takes effect, paragraphs (3) and (4) of section 235(b) of the Sentencing Reform Act of 1984 (98 Stat. 2032) are repealed.*

10 *Section 235(b)(2) of the Sentencing Reform Act of*
11 *1984 (98 Stat. 2032) is repealed.*

Attest: KELLY D. JOHNSTON,
Secretary.